

UNITED STATES DISTRICT COURT OF MASSACHUSETTS OFFICE

2006 OCT 16 A 9:29

U.S. DISTRICT COURT  
DISTRICT OF MASS.

FLAVIA BENITEZ  
PLAINTIFF

CIVIL ACTION # 04-CV- 11959-NG  
PRO-SE

VS

SODEXHO- MARRIOTT  
DEFENDANTS

COOLEY MANION JONES

MEMORANDUM OF FACTS ( ELEMENTS ) AND LEGAL AUTHORITIES SUPPORTING THIS CIVIL ACTION UNDER TITLE VII , 42 U.S.C 2000 e-2 OF 1981 AND 1983 ,MASS. GEN. LAW 151 B , AND 42 U.S.C 12117, FOR THE VIOLATION OF THE PLAINTIFF CIVIL RIGHTS AND EMPLOYMENT RIGHTS . THE DEPRIVATION OF THE PLAINTIFF 'S CIVL RIGHTS EXERCISE PROVIDED UNDER TITLED VII , 42 US.C .1981 AND 1983 AND PRINCIPLES ANNOUNCED BY THE SUPREME COURT REGARD DISCRIMINATION AND OTHER EMPLOYMENT VIOLATION SUCH AS :

- 1- THE FAMILY MEDICAL LEAVE ACT ( FMLA).
- 2- AMERICAN WITH DISABILITY ACT (ADA ).
- 3- EQUAL PAY ACT (EPA) .
- 4- FAIR FEDERAL EMPLOYMENT ACT (FLSA ).
- 5-AGE DISCRIMINATION ( ADEA )
- 6- WRONGFUL TERMINATION, RETALIATION
- 7- DEFAMATION AND THE DEPRIVATION OF THE PLAINTIFF'S CONSTITUTIONAL RIGHTS TO PRIVACY .

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THE PLAINTIFF SHALL BE AWARDED FOR COMPENSATION OF ALL INJURIES PHYSICAL INJURIES , EMOTIONAL INJURIES AND ECONOMICAL DAMAGES. THE DEFENDANTS ARE TOTALLY LIABE FOR ALL DAMAGES DUE TO THEIR RECKLESS , NEGLIGENT AND INTENTIONAL WRONGDOING AGAINST THE PLAINTIFF.

JUDICIAL REMEDIES ARE AVAILABLE PURSUANT MASS GEN. LAW 151 B (9) AND c 218 19 (a) , UNDER CIVIL RIGHTS AWARDS IN INTENTIONAL CASES OF EMPLOYMENT DISCRIMINATION 42 U.S.C . 1981 (a) . MERIT SYSTEM AWARD.

THE DEFENDANTS ( SODEXHO -MARRIOTT ) BREACH THEIR DUTY BY NOT COMPLYING WITH THE FEDERAL , STATE LAWS THAT PROHIBIT DISCRIMINATE BECAUSE OF RACE , GENDER , NATIONAL ORIGIN , DISABILITY , AGE, COLOR, ETC.

BY DEPRIVING THE PLAINTIFF EXERCISE RIGHTS PROTECTED UNDER THE EQUAL EMPLOYMENT OPPORTUNITY AND CONSTITUTIONAL BILL OF RIGHTS .

CAUSE :

SODEXHO- MARRIOTT 'S RECKLESS ACTIONS WERE INTENTIONAL , EXTREMELY OUTRAGEOUS. THEIR ACTIONS VIOLATE THE FEDERAL, STATE AND THE PLAINTIFF 'S CONSTITUTIONAL RIGHTS AND EMPLOYMENT RIGHTS .

THE CONSEQUENCES ARE TERRIBLE AND PAINFUL.THE PLAINTIFF HAS BEEN SLEEPING WITH DIFFICULTIES , THE PLAINTIFF IS SPENDING MOST OF HER TIME IN BED AND SEEING DOCTORS APPOINTMENTS, AS SHOWED IN THE NUMBER OF MEDICAL APPOINTMENTS ,MRI , ULTRASOUNDS , THERAPITS APPOINTMENTS AND TAKING MEDICAL PRESCRIPTIONS.

THE NEGATIVE IMPACT OF THIS ACTION HAS CAUSED IN THE PLAINTIFF 'S LIFE SUCH AS :

PAIN AND SUFFERING , INCONVENIENCE, MENTAL ANGUISH, DETRIMENTAL, FUTURE LOSSES , NEGATIVE FLASHBACK , LOSS OF ENJOYMENT OF LIFE , THE PLAINTIFF'S ILLNESS MIGHT BE CAUSED OR WORSENED BY THE DEFENDANTS 'S INTENTIONAL AND RECKLESS ACTIONS , THE PLAINTIFF WAS BEING EXPOSED FOR LONG PERIOD OF TIME TO EXTREME STRESS THAT WILL BE INCREASING A POSSIBLE PREMATURE DESEASE OR ILLNESSES.

FEAR AND FRIGHT EXPOSURE TO STRESS AND ANXIETY CAUSE A MAJOR OR MINOR MEDICAL DISEASE AND FINANCIAL EXPENSES THE PLAINTIFF HAS BEEN IN COUNSELING FOR THE PAST 6 YEARS GETTING HELP FOR THE TRAUMA. THIS ACTION HAS CAUSED AND EMOTIONAL 'S AND PHYSICAL'S HEALTH.

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THE PLAINTIFF SHALL BE COMPENSATED FOR ALL DAMAGES , THE DEFENDANTS ARE TOTALLY LIABE FOR THE PLAINTIFF INJURIES CAUSED BY THEIR RECKLESS , NEGLIGENT AND INTENTIONAL DISCRIMINATION. ACTION THAT CAUSE ON THE PLAINTIFF 'S LIFE : EMOTIONAL , PHYSICAL AND FINANCIALLY. SODEXHO- MARRIOTT ARE LIABLE FOR ALL DAMAGES. UNDER 42 U.S.C.1981(a) AND THE CIVIL RIGHT ACT OF 1991 42 U.S.C. .1991 THAT PROVIDES MONETARY RELIEF IN CASES OF INTENTIONAL DISCRIMINATION SECTION 115- 117., AND THE MERIT SYSTEM AWARD , GENRAL LIABILITIES 31 x 3527 , 5 x 8337 FOR INJURIES , 5 x 2302, , 5 x 2301. 5 x 3330 LOSS OF WAGES. ETC.

#### GENERAL FACTS OR CLAIMS

SODEXHO -MARRIOTT 'S ACTIONS WERE RECKLESS, NEGLIGENT AND INTENTIONAL IN DAMAGING THE PLAINTIFF LIFE , HEALTH AND ECONOMIC.

#### DEFENDANT'S DUTY :

SODEXHO -MARRIOTT OWED A DUTY TO ME AS AN EMPLOYEE NOT TO DISCRIMINTE AGAINST ME AND COMPLY WITH FEDERAL LAW 42 U.S.C 2000 AND FOLLOWING , 42 U.S.C 12101 -12213 , STATE LAW MASS. GEN. LAW 151 B UNDER TITLE VII THAT PROHIBITS DISCRIMINATION IN EMPLOYMENT BIAS THE FOLLOWING :

1- AMERICAN WITH DISABILITY ( ADA ) AND THE REHABILITATION ACT OF 1973. SECTION 501 AND 505 , 42 U.S.C .12117 AUTHORITY OR LEGAL CITATION :42 U.S.C 2000e-2 NOTES 269 , 270, 272., 42 U.S.C 12101 - 12213 AND MASS GEN LAW 151 B 4 ( 16 ) ( 17 )

2- AGE DISCRIMINATION ( ADEA ). LEGAL AUTHORITY 29 U.S.C S 621- 634 42U.S.C 2000e- 9 NOTE 281

3- EQUAL PAY ACT ( EPA ) LEGAL AUTHORITY 29 U.S.C. S 206 ( d ) 42 U.S.C 2000e- 10

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4-FAIR FEDERAL EMPLOYMENT LAW ( FLSA )  
LEGAL AUTHORITY 42 U.S.C. S 2000 AND FOLLOWING.  
42 U.S.C 2000-4

5- FAMILY MEDICAL LEAVE ACT ( FMLA )  
LEGAL AUTHORITY 29 U.S.C S 825.301  
MASS GEN LAW 151 B 1 ( 5 ) , CH. 149 52 d , 105 d.  
42 U.S.C 2000e NOTE 266 .

6-RETALIATION UNDER MASS LAW 151 B 4 ( 4 ), ( 4a ) AND 415, 627, 628.  
42 U.S.C 2000e -2 NOTES 218 , 219 WRONGFUL TERMINATION..

7-DEFAMATION AND VIOLATION OF THE PRIVACY ACT:  
SEE EXHIBITS T.---DEFAMATION---TERMINATION LETTER.  
SEE EXHIBIT V---PRIVACY

#### FACT OR CLAIM - I

AMERICAN WITH DISABILITY THE PLAINTIFF ALLEGED THAT SHE WAS TREATED UNFAIRLY BASED UPON HER DISABILITY AND DEPRIVED OF THE EXERCISE PROVIDE UNDER THE CONSTITUTIONAL BILL OF RIGHTS. .  
42 U.S.C 2000e AND 42 U.S.C 12101-12213 , 12117.

A-DISABLED EMPLOYEE IF AN EMPLOYEE IS USING A LARGE AMOUNT OF SICK LEAVE OR ABSENTS, HE OR SHE MIGHT BE SUFFERING FROM A MEDICAL CONDITION THAT QUALIFIES AS A DISABILITY UNDER THE MASS .GEN. LAW 151 B 4 ( 16 )( 17 ) AND FEDERAL 42 U.S.C. 12101- 12213 AND 42 U.S.C 2000e-2 NOTES 269, 270, 272.UNDER DISABILITY LAWS. IF THAT IS THE CASE THE EMPLOYER CAN NOT DICIPLINE THE EMPLOYEE , MOREOVER THE EMPLOYER MIGHT EVEN HAVE THE DUTY TO ACCOMMODATE THE EMPLOYEE'S DISABILITY. THE PURPOSE OF THE ADA IS TO PROTECT THE EMPLOYEE WITH DISABILITIES FROM BEING DISCRIMINATED IN ANY JOB RELATED MATTERS.

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THE ADA PROHIBITS DISCRIMINATION OR HARASSMENT IN EMPLOYMENT TO PERSONS WITH DISABILITIES.

PERSON WHO HAS MARKED :

1-A PHYSICAL OR MENTAL CONDITION THAT LIMITS OR RESTRICTS ONE OR MORE OF ACTIVITIES OF DAIRLY LIVING. , ETC.

2- HAS A RECORD ON HAVING SUCH IMPAIRMENT PHYSICAL DISORDER AFFECTING ONE OR MORE NUMBER OF BODY SYSTEM.

3- MENTAL DISORDER A PERSON WHO HAS AN IMPAIRMENT THAT PREVENT OR RESTRICT FROM PERFORMING MAJOR LIFE ACTIVITIES .

B-- SODEXHO -MARRIOTT 'S DUTY :

THE DEFENDANTS DUTY IS TO ACCOMMODATE THE EMPLOYEE WITH DISABILITY. THE DEFENDANTS ARE COVERED BECAUSE THEY HAVE 15 OR MORE EMPLOYEES IN ALL TYPE OF BUSINESS. ACCOMMODATION SUCH AS : MAKINIG ACCESSIBLE ENTRANCES , ADJUSTMENT IN SCHEDULES, LIGHT DUTY WORK, INTERPRETERS, TRANSFERS ALL ACCOMMODATION UNLESS THE EMPLOYER CAN SHOW THAT IT WILL BE A HARDSHIP .

C --SODEXHO-MARRIOTT BREACH THEIR DUTY BY :

- a) NOT COMPLYING WITH FEDERAL AND STATE LAW THAT PROHIBIT DISCRIMINATION IN EMPLOYMENT RELATED MATTERS.
- b) BY TREATING THE PLAINTIFF LESS FAVORABLE THAN OTHER EMPLOYEES. AND VIOLATING THE EQUAL PAY ACT ( EPA )
- c) BY NOT MAINTAINNING THE PLAINTIFF 'S HEALTH INSURANCE , MOREOVER BY CANCELLING THE PLAINTIFF'S MEDICAL BENEFITS .
- d) BY DISCHARGING AND DISCRIMINATING AGAINST THE PLAINTIFF WITH NO CREDIBLE REASON.
- e) BY FAILING TO COMPLY WITH THE FEDERAL EMPLOYMENT LAW AT WORKPLACE ,THE CONSOLIDATE OMNIBUS BUDGET RECONCILIATION OR COBRA. AUTHORIZATION 29 U.S.C S1162 . THAT APPLIES FOR BUSINESS WITH 20 OR MORE EMPLOYEES AND IT HAS A DURATION 18 MONTHS.
- f) BY DENYING THE PLAINTIFF THE EXERCISE AND PROTECTION UNDER THE FAMILY MEDICAL LEAVE ACT ( FMLA )
- g) BY DENYING THE PLAINTIFF HER RIGHTS PROTECTED UNDER THE CONSTITUTIONAL BILL OF RIGHTS
- h) BY FAILING TO OFFER A SEVERANCE PACKAGE FOR THE PLAINTIFF PEACE OF MIND.

D - THE SODEXHO -MARRIOTT RECKLESS'S ACTIONS CAUSED IN THE PLAINTIFF LIFE , HEALTH AND ECONOMIC.SUCH AS :  
FLASHBACK, MENTAL ANGUISH , POSTTRAUMATIC DISORDER , DEPRESSION, INCONVENIENCE , FINANCIAL DAMAGE, ANXIETY AND LOSS OF ENJOYMENT OF LIFE , FUTURE LOSSES , MEDICAL BILLS , HOSPITAL BILLS, NEGATIVE IMPACT., FEAR AND FRIGHT EXPOSURE TO STRESS AND ANXIETY CAUSE A MAJOR OR MINOR MEDICAL DISEASE AND MEDICAL EXPENSES CHRONIC PAIN ,EMOTIONAL INJURIES , PHYSICAL INJURIES ,EMOTIONAL SCARS , PHYSICAL RESTRICTIONS , HERNIATED DISC AS A RESULT OF HEAVY DUTY WORK AND HEAVY LIFTING, THE EFFECTS ON MEDICATION , THE EFFECT ON TREATMENT , PAIN AND SUFFERING KIDNEY , EATING DISORDER POSTTRAUMATIC DISORDER , INFILCTION OF EMOTIONAL DISTRESS. ETC .

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E- THE PLAINTIFF SHALL BE AWARDED FOR COMPENSATION OF ALL PLAINTIFF 'S INJURIES , PHYSICALLY , EMOTIONALLY AND FINANCIALLY AND THE DEFENDANTS ARE TOTALLY LIABLE FOR ALL COST AND INTERESTS OF THIS SUIT. FOR THEIR NEGLIGENT , RECKLESS AND INTENTIONAL WRONGDOINGS.

THE PLAINTIFF SHALL BE COMPENSATED AND SATISFIED BY SODEX-SO-MARRIOTT UNDER THE CIVIL RIGHTS OF 1991 , 42 U.S.C . 1991 AND 42U.S.C 1981 ( a ) THAT PROVIDES MONETARY RELIEF IN CASE OF INTENTIONAL DISCRIMINATION SECTION 115 -117 AND UNDER THE MERIT SYSTEM AWARD 5 x 2301, 5 x 2302 ,31 x 3527 , 5 x 8337

#### FACT OR CLAIM - II

A- AGE DISCRIMINATION (ADEA ) THIS EMPLOYMENT DISCRIMINATION CLAIM WAS BROUGHT BY THE PLAINTIFF WHO ALLEGED THAT SHE WAS TREATED UNFAIRLY BASED UPON HER AGE AN DEPRIVED HER EXERCISE PROVIDE UNDER THE CONSTITUTIONAL BILLS OF RIGHTS.:

LEGAL AUTHORITY 29 U.S.C S621-634 OF 1967. AND 42 U.S.C 2000 e NOTE 281. THE PLAINTIFF IN 2000 WAS BETWEEN 40-50 YEARS OLD THEREFORE THE PLAINTIFF WAS COVERED UNDER THE ADEA.

**B-DEFENDANTS DUTY :**

COMPLY WITH FEDERAL AND STATE LAWS THAT PROHIBIT DISCRIMINATION THAT IS FAIR FEDERAL EMPLOYMENT AND EQUAL EMPLOYMENT OPPORTUNITY. IT MAKES UNLAWFUL TO DISCRIMINATE AGAINST ANY EMPLOYEE BECAUSE OF AGE , COMPLY WITH THE FEDERAL LAW 29 U.S.C S 621- 634. THAT PROHIBITS DISCRIMINATION BASED ON AGE .  
PROVIDE EQUAL EMPLOYMENT PROTECTION UNDER FEDERAL AND STATE LAWS .

**C- DEFENDANTS BREACH THEIR DUTY:**

THE DEFENDANTS BREACH THEIR DUTY BY DISCRIMINATING AGAINST THE PLAINTIFF BECAUSE DISABILITY , AGE.....  
BY DEPRIVING THE PLAINTIFF RIGHTS EXERCISE OF EQUAL EMPLOYMENT OPPORTUNITY UNDER THE LAW.

**D- THE DEFENDANTS RECKLESS , NEGLIGENT AND INTENTIONAL ACTION CAUSED :**

EMOTIONAL AND PHYSICAL DAMAGES , ANXIETY , PAIN AND SUFFERING , INCONVENIENCE, NEGATIVE IMPACT, FUTURE LOSSES , LOSS ENJOYMENT OF LIFE, FLASHBACK, MENTAL ANGUISH, POSTTRAUMATIC DISORDER FUTURE LOSSES ,FEAR AND FRIGHT EXPOSURE TO STRESS AND ANXIETY CAUSE A MAJOR OR MINOR MEDICAL DISEASE AND MEDICAL EXPENSES EMOTIONAL INJURIES , PHYSICAL INJURIES , CHRONIC PAIN, PSYCHOLOGICAL TORTURED , THE EFFECTS OF MEDICATIONS , PHYSICAL RESTRICTIONS , KIDNEY, HERNIATED LUMBAR DISC AS A RESULT OF LIFTING . AND HEAVY DUTY WORK., EATING DISORDER ,EMOTIONAL SCARS .ETC.

**E- THE DEFENDANTS 'S ACTIONS WERE NEGLIGENT , RECKLESS AND INTENTIONAL. THE PLAINTIFF IS ENTITLED TO BE COMPENSATED FOR ALL DAMAGES AND SODEXHO -MARRIOTT ARE LIABLE FOR ALL PLAINTIFF 'S DAMAGES UNDER CIVIL RIGHTS OF 1981 (a) AND 1991 42 U.S.C 1981 , 42 U.S.C 1991 AND MERIT SYSTEM AWARD FOR INTENTIONAL DISCRIMINATION IN EMPLOYMENT 5 x 3527 , 5 x 8337 5 x 2301, 5 x 3330 , 5 x 3301., 5 x 8141 . AND CIVIL REMEDIES 42 U.S.C 2000e- 7.**

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**FACT OR CLAIM - III**

**A- EQUAL PAY ACT ( EPA )**

THIS EMPLOYMENT DISCRIMINATION CLAIM WAS BROUGHT BY THE PLAINTIFF WHO ALLEGED THAT SHE WAS TREATED UNFAIRLY , AND BY DEPRIVING HER RIGHT EXERCISE PROVIDED UNDER THE EQUAL PAY ACT. 29 U.S.C S 206 ( d ) OF 1964.

42 U.S.C 2000e - 10

EQUAL PAY DISPARITY IS ANOTHER ACT OF DISCRIMINATION VIOLATING THE EQUAL PAY ACT AND THE CIVIL RIGHTS ACT OF 1964 UNDER TITLE VII WHICH PROHIBITS DISCRIMINATION IN TERMS AND BENEFITS OF EMPLOYMENT INCLUDING COMPENSATION TO INDIVIDUALS WITH EQUAL SKILLS, EFFORTS AND RESPONSABILITIES.

**B-SODEXHO-MARRIOTT 'S DUTY :**

COMPLY THE EQUAL PAY ACT. EQUAL PAY UNDER THE ACT. IN ALL TERMS AND CONDITIONS. TO PROVIDE EQUAL PROTECTION IN EMPLOYMENT UNDER THE LAW OF 1975 (a) 42 U.S.C x 2000 -2.

**C- THE DEFENDANTS BREACH THEIR DUTY BY:**

- 1-NOT PAYING THE PLAINTIFF THE SAME THAN NEW CASHIERS
- 2-BY TREATING THE PLAINTIFF LESS FAVORABLE THAN OTHER .
- 3-BY DEPRIVING THE PLAINTIFF RIGHTS UNDER 42U.S.C . 1983.

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D- SODEXHO-MARRIOTT 'S NEGLIGENT , RECKLESS AND INTENTIONAL ACTION CAUSED:

ECONOMICS LOSSES ,EMOTIONAL DISTRESS, INCONVENIENCE, MENTAL ANGUISH, NEGATIVE IMPACT, PAIN AND SUFFERING, INTENTIONAL INFILCTION, EATING DISORDERS, ,POSTTRAUMATIC DISORDER,,FEAR AND FRIGHT EXPOSURE TO STRESS AND ANXIETY CAUSE MAJOR OR MINOR MEDICAL DISEASE AND MEDICAL EXPENSES.

E- THE CIVIL RIGHT ACT OF 1991 PROVIDES MONETARY RELIEF IN CASES OF INTENTIONAL EMPLOYMENT DISCRIMINATION 42 U.S.C 1991. SECTION 115-117 AND 1981 ,42 U.S.C 1981 (a) AND UNDER THE MERIT SYSTEM PROTECTION AWARD 5 x 2301 , 5 x 3301 , 5 x 2302, 5 x 8337 , 5 x 8141 10 x 9447

THE PLAINTIFF IS ENTITLED TO BE COMPENSATED FOR ALL HER PHYSICAL INJURIES EMOTIONAL INJURIES AND FINANCIALLY DAMAGES THIS ACTION HAS CAUSED.

FACT OR CLAIM - IV

A- FAIR FEDERAL EMPLOYMENT STANDARDS ( FLSA )  
THIS EMPLOYMENT DISCRIMINATION CLAIM WAS BROUGHT BY THE PLAINTIFF WHO ALLEGED THAT SHE WAS TREATED UNFAIRLY BY DEPRIVING HER RIGHTS PROTECTION PROVIDED UNDER THE EQUAL EMPLOYMENT OPPORTUNITY AND HER CONSTITUTIONAL BILL OF RIGHTS. LEGAL 42 U.S.C 2000e - 4 AND FOLLOWING , 42U.S.C x 151 B  
THE FAIR FEDERAL EMPLOYMENT STANDARDS PROHIBITS DISCRIMINATION AGAINST ANY EMPLOYEE BECAUSE OF RACE , NATIONAL ORIGIN, AGE, DISABILITY,, GENDER, COLOR ETC....

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**B- SODEXHO-MARRIOTT 'S DUTY :**

THE DEFENDANTS 'S DUTY IS TO MAINTAIN A WORKPLACE FREE OF DISCRIMINATION, RETALIATION , HARASSMENT AND HOSTILE ENVIROMENT, AND TO PROVIDE EQUAL PROTECTION UNDER THE LAW OF 1975 ( a )

C- THE DEFENDANTS BREACH THEIR DUTY AND ARE LIABLE FOR NOT COMPLYING WITH THE FAIR FEDERAL EMPLOYMENT STANDARDS AND FOR DEPRIVING THE PLAINTIFF 'S CIVIL RIGHTS AND EMPLOYMENT RIGHTS FOR THE FOLLOWING REASONS:

1- BY NOT MAINTAINNING THE PLAINTIFF'S HEALTH INSURANCE.

2- BY GETTING DEDUCTIONS FOR MEDICAL ,DENTAL , SHORT TERM DISABILITY , ACCIDENTAL DEATH AND DISMEMBERMENT AFTER THE INSURANCE WAS CANCELLED BY SODEXHO MARRIOTT AS AN ACT OF MALICE AND EXTREME OUTRAGEOUS CONDUCT.

3-BY DISCHARGING AND DISCRIMINATING AGAINST THE PLAINTIFF WITH NO GOOD REASONS.

4-BY FAILING TO COMPLY WITH THE FEDERAL EMPLOYMENT LAW AT WORKPLACE , THE CONSOLIDATE OMNIBUS BUDGET RECONCILIATION ACT OR COBRA AUTHORIZATION 29 U.S.C S1162 THAT APPLYIES FOR BUSINESS WITH 20 OR MORE EMPLOYEES AND IT HAS A DURATION OF 18 MONTHS.

5- BY DENYING THE PLAINTIFF THE EXERCISE AND PROTECTION UNDER THE FAMILY MEDICAL LEAVE ACT ( FMLA )

6- BY TREATING THE PLAINTIFF LESS FAVORABLE THAN OTHER EMPLOYEES -DENYING THE PLAINTIFF RIGHTS PROVIDE UNDER THE FMLA AND VIOLATING THE EQUAL PAY ACT.

7- BY DEPRIVING THE PLAINTIFF 'S RIGHTS UNDER EQUAL PROTECTION UNDER THE LAW OF 1975 ( a ) 42 U.S.C 2000e-4

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**D- THE DEFENDANT'S RECKLESS NEGLIGENT AND MALICIOUS ACTIONS CAUSED**

IN THE PLAINTIFF LIFE:

PAIN AND SUFFERING , MENTAL ANGUISH, EMOTIONAL SCARS , FLASHBACK, ILLNESS MIGHT BE CAUSED OR WORSENER BY THE DEFENDANTS 'S INTENTIONAL ACTIONS , INCONVENIENCE ,FUTURE LOSSES , LOSS ENJOYMENT OF LIFE , THE PLAINTIFF WAS EXPOSED FOR LONG PERIOD OF TIME TO STRESS . THE INCIDENCE OF DISEASE IS MUCH HIGHER IN THE FUTURE.

FEAR AND FRIGHT EXPOSURE TO STRESS AND ANXIETY CAUSE MAJOR OR MINOR MEDICAL DISEASE ,OR PREMATURE DESEASE ,LOSS OF INCOME. CHRONIC PAIN PHYSICAL INJURIES ,EMOTIONAL INJURIES AND FINANCIAL DAMAGES, DEPRESSION ANXIETY, EATING DISORDERS , PSYCHOLOGICAL TORTURED, ,PSYSICAL RESTRICTIONS , ,POSTTRAUMATIC DISORDER, THE EFFECTS ON MEDICATION , THE EFFECTS ON TREATMENTS, KIDNEY, HERNIATED LUMBAR DISC AS A RESULT OF LIFTING AND HEAVY DUTY WORK, EMOTIONAL INFILCTION.

**E- THE DEFENADNTS 'S ACTIONS WERE RECKLESS , NEGLIGENT AND INTENTIONAL .THE DEFENDANTS ARE TOTALLY LIABLE FOR ALL DAMGES. THE PLAINTIFF IS ENTITLED TO BE COMPENSATED FOR ALL DAMAGES. THE CIVIL RIGHT ACT OF 1991 .42 US.C 1991 PROVIDE MONETARY RELIEF IN CASE OF INTENTIONAL DISCRIMINATION SECTION 115- 117 AND SHALL BE AWARDED . THE MERIT SYSTEM AWARD 5 x 6381 , 5 x 2301 , 5 x 2302 5 x 3330 , 5 x 8339 , 31 x 3527, 10 x 9447, 10 x 9443, 5 x 8141. DEFENDANTS ARE LIABE FOR ALL DAMAGES.**

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**FACT OR CLAIM V.**

**A-THE FAMILY MEDICAL LEAVE ACT ( FMLA ):**

LEGAL AUTHORIZATION MASS GEN. LAW 149 , 52 d, 105 d, AND MASS . GEN. LAW 151 B 1 ( 5 ). AND 42 U.S.C 2000e NOTE 266  
IT MAKES UNLAWFUL FOR EMPLOYERS TO INTERFERE , RESTRAIN OR DENY THE EMPLOYEE RIGHT TO THE EXERCISE PROVIDE UNDER THE FAMILY MEDICAL LEAVE ACT.  
SODEXHO-MARRIOTT ARE COVERED . SODEXHO-MARRIOTT HAVE 50 OR MORE EMPLOYEES WITHIN 75 MILES AND THE PLAINTIFF HAD MORE THAN ONE YEAR OR 1,250 HOURS.

**B- SODEXHO-MARRIOTT 'S DUTY :**

TO PROVIDE MEDICAL LEAVE TO EMPLOYEES FOR MEDICAL REASONS OR NEEDS. TO COMPLY WITH THE EQUAL EMPLOYMENT PROTECTION UNDER THE LAW OF 1975 (a) .

**C- SODEXHO-MARRIOTT BREACH THEIR DUTY BY :**

- 1- BY OPPOSING TO THE PLAINTIFF EXERCISE PROVIDED UNDER THE FAMILY MEDICAL LEAVE ACT.
- 2-BY DENYING AND INTERFERING WITH THE PLAINTIFF'S RIGHTS PROVIDED UNDER THE FAMILY MEDICAL LEAVE ACT.

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**D- THE DEFENDANTS RECKLESS NEGLIGENT AND INTENTIONAL ACTIONS CAUSED :**

LOSS OF INCOME , BEING ON PUBLIC BENEFITS FOR FIRST TIME , FOOD STAMPS AND MASSHEALTH , FINANCIAL DIFFICULTIES, INCONVENIENCES, MENTAL ANGUISH, NEGATIVE IMPACT , FUTURE LOSSES , FUTURE MEDICAL EXPENSES , LOSS OF ENJOYMENT OF LIFE ,INSURANCE BENEFITS, EMOTIONAL SCARS , FEAR AND FRIGHT EXPOSURE TO STRESS AND ANXIETY CAUSE MAJOR OR MINOR MEDICAL DISEASE AND EXPENSES , EFFECTS ON MEDICAL PRESCRIPTIONS ,EFFECTS ON TREATMENTS , PSYCHOLOGICAL TORTURED , PHYSICAL RESTRICTIONS, EMOTIONAL INJURIES , PHYSICAL INJURIES, KIDNEY, HERNIATED LUMBAR DISC AS A RESULT OF HEAVY LIFTING AND HEAVY DUTY WORK, CHRONIC PAIN.ETC..

**E- THE CIVIL RIGHTS ACT OF 1991 . 42 U.S.C .1991 AND 1981 42 U.S.C 1981 ( a) PROVIDE MONETARY RELIEF IN CASES OF INTENTIONAL DISCRIMINATION SECTION 115- 117. AND UNDER THE MERIT SYSTEM AWARD 5 x 6381, 10 x 9447, 10 x 9443 , 5 x 8141 , 5 x 2301 ,5 x 2302 5 x 8337 ,5 x 8339, 12 x 5005 , 12 x 5010 , 31 x 3427 ,5 x 3330 .**

**VI - FACT OR CLAIM**

**RETALIATION :**

**A- LEGAL AUTHORIZATION MASS . GEN. LAW 151 B 4(4),4 (4a)  
42 U.S.C x 2000e - 2**

**B- SODEXHO-MARRIOTT 'S DUTY IS TO :**

**COMPLY WITH FEDERAL AND STATE LAWS THAT PROHIBITS TO RETALIATE AGAINST EMPLOYEE OR PERSON.**

**COMPLY EQUAL PROTECTION OF THE LAW 42 U.S.C 2000e- 4.**

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**C- SODEXHO-MARRIOTT BREACH THEIR DUTY:  
BY NOT COMPLYING WITH MASS. GEN. LAW 151 B 4 (4) , 4 (4a).**

**D- SODEXHO-MARRIOTT 'S INTENTIONAL AND RECKLESS ACTIONS CAUSED:**

MENTAL ANGUISH , ANXIETY , PAIN AND SUFFERING, NEGATIV IMPACT, LOSS ENJOYMENT OF LIFE. ,EMOTIONAL SCARS ,DEPRESSION , POSTTRAUMATIC DISORDER. INCONVENIENCES , FUTURE LOSSES MENTAL ANGUISH , FUTURE MEDICAL EXPENSES, FEAR AND FRIGHT EXPOSURE TO STRESS AND ANXIETY .CAUSE MAJOR OR MINOR MEDICAL DISEASE AND MEDICAL EXPENSES, EMOTIONAL INJURIES , PHYSICAL INJURIES, CHRONIC PAIN, PSYCHOLOGICAL TORTURED , PHYSICAL RESTRICTIONS, KIDNEY , HERNIATED LUMBAR DISC AS A RESULT OF HEAVY LIFTING AND HEAVY WORK, THE EFFECTS ON MEDICATION , THE EFFECTS ON TREATMENTS, PAIN AND SUFFERING, EATING DISORDER.

**E-THE PLAINTIFF SHALL BE AWARDED FOR HER EMOTIONAL , PHYSICAL AND FINANCIAL INJURIES CAUSED FOR THE RECKLESS INTENTIONAL DEFENDANTS ACTIONS CAUSED IN THE PLAINTIFF LIFE. ,**

**E- : THE PLAINTIFF IS ENTITLED TO BE COMPENSATED FOR ALL DAMGES. THE DEFENDANTS ARE LIABLE FOR ALL DAMGES. THE CIVIL RIGHTS ACT OF 1991 AND 1981 42 U.S.C 1991 AND 42 U.S.C 1981 (a) PROVIDE MONETARY RELIEF IN CASES OF INTENTIONAL EMPLOYMENT DISCRIMINATION SECTION 115- 117. AND THE MERIT AWARD 5 x 2302 , 5 x 3330 , 5 x 2301 , 5 x 3301 5 x 6381 , 5 x 3330 , 5 x 8339 , 5 x 8337, 31 x 3527 , 12 x 5005 , 5 x 8141 10 x 9447 , 10, 9443.**

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VII- DEFAMATION AND FOR THE VIOLATION OF THE PLAINTIFF'S  
RIGHT TO PRIVACY.

THE TERMINATION LETTER WHICH CAUSED EMOTIONAL DISTRESS.  
THE DEFENDANT'S NAME WAS SODEXHO- MARRIOTT .

SEE EXHIBIT -T .

COOLEY MANION JONES AND SODEXHO -MARRIOTT VIOLATED THE  
PLAINTIFF'S PROTECTED RIGHTS TO PRIVACY. BY GETTING THE PLAINTIFF  
MEDICAL RECORD WITHOUT A PROPER RELEASE AUTHORIZATION.  
SEE EXHIBIT V -

OCTOBER 9, 2006

SUBMITTED BY,



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